

CRIMINAL COMPLAINT

United States District Court		DISTRICT of ARIZONA	
United States of America v. Orlando Eric Valencia DOB: xx/xx/1981 United States Citizen		DOCKET NO.	
COMPLAINT for violation of Title 18, United States Code §§ 922(g)(1) and 924(a)(2)		MAGISTRATE'S CASE NO. 11-01912M-	
COMPLAINT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: <p>On or about April 6, 2011, at or near Tucson, in the District of Arizona, Orlando Eric Valencia, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, that is; Discharging a Firearm at a Structure, Narcotic Drug - Possession for Sale, and Drug Paraphernalia, felonies, in Pima County Superior Court, Tucson, Arizona, case number CR1999-66845, on December 19, 2000; and Misconduct Involving a Weapon, a felony, in Pima County Superior Court, Tucson, Arizona, case number CR2005-1968, on January 9, 2006; did knowingly possess firearms, that is; one FN, model PS90, 5.7 x 28 mm, machinegun, serial number FN05368; and one Romarm/Cugir, model WASR-10, 7.62 x 39 mm caliber rifle, serial number 1988-ACK4412; said firearms having affected commerce in that they were previously transported in the state of Arizona from another state or foreign country; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).</p>			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: <p>On March 28, 2011, agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) received information that Orlando Eric Valencia was in possession of a fully automatic FN Herstal rifle. Court records confirmed that Valencia had previously been convicted of crimes punishable by imprisonment for a term exceeding one year, that is: Discharging a Firearm at a Structure, Narcotic Drug - Possession for Sale, and Drug Paraphernalia, felonies, in Pima County Superior Court, Tucson, Arizona, case number CR1999-66845, on December 19, 2000; and Misconduct Involving a Weapon, a felony, in Pima County Superior Court, Tucson, Arizona, case number CR2005-1968, on January 9, 2006. ATF agents obtained a search warrant for Valencia's residence. On April 6, 2011, ATF agents observed Valencia at the residence. Shortly after Valencia departed the residence, agents executed the search warrant and located four firearms within the residence, including a fully automatic FN Herstal rifle. No other individuals were present in the defendant's residence at the time the search warrant was executed, and all of the firearms were readily accessible to any occupant of the residence. ATF agents confirmed that two of the firearms – one FN, model PS90, 5.7 x 28 mm, machinegun, serial number FN05368; and one Romarm/Cugir, model WASR-10, 7.62 x 39 mm caliber rifle, serial number 1988-ACK4412 – were shipped or transported in interstate commerce by virtue of having been manufactured outside the state of Arizona and having been found in the State of Arizona.</p>			
MATERIAL WITNESSES IN RELATION TO THE CHARGE:			
Recommend Detention Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) <i>J. R. Blake</i>	
AUTHORIZED BY: AUSA <i>Angela Valencia</i>		OFFICIAL TITLE Special Agent, ATF	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE JUDGE <i>[Signature]</i>		DATE April 7, 2011	

